

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

ALVIN DANIELS, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 5:12-CV-410(MTT)  
UNNAMED SHERIFF OF HOUSTON )  
COUNTY, )  
Defendant. )

## ORDER

Before the Court is the Plaintiff's Motion for Certificate of Appealability. (Doc. 7). The Plaintiff brought § 1983 claims against the Defendant for his alleged unconstitutional arrest and prosecution, and his complaint was dismissed for failure to state a claim. (Doc. 6). Following the dismissal, the Plaintiff filed the present Motion for a Certificate of Appealability. (Doc. 7). However, a Certificate of Appealability is not a prerequisite to the appeal of a § 1983 action. Therefore, the Plaintiff's Motion is **DENIED** as moot.

**SO ORDERED**, this 3rd day of January, 2013.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT